

LOS PADRES NATIONAL FOREST LAND EXCHANGE ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4917) to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest, and for other purposes.

The Clerk read as follows:

H.R. 4917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Los Padres National Forest Land Exchange Act of 2002".

SEC. 2. LAND EXCHANGE, LOS PADRES NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If the United Water Conservation District of California (in this section referred to as the "District") conveys to the Secretary of Agriculture (in this section referred to as the "Secretary") all of right, title, and interest of the District in and to the lands described in subsection (b)(1), the Secretary shall convey to the District, in exchange for such lands, all right, title, and interest of the United States in and to the National Forest System lands described in subsection (b)(2).

(2) EXISTING RIGHTS.—The conveyance of National Forest System lands under this section shall be subject to valid existing rights and to such terms, conditions, and reservations as may be required by this section or considered necessary by the Secretary.

(3) TIME FOR EXCHANGE.—The Secretary and the District shall endeavor to complete the exchange in a timely manner.

(b) EXCHANGE LANDS.—

(1) LANDS TO BE CONVEYED BY DISTRICT.—The lands to be conveyed by the District under this section consist of approximately 340 acres as follows:

(A) "Tract A"—Approximately 40 acres, located in township 5 north, range 18 west, section 16, NE¼SE¼, San Bernardino base and meridian.

(B) "Tract B"—Approximately 40 acres, located in township 5 north, range 18 west, section 16, SE¼NE¼, San Bernardino base and meridian.

(C) "Tract C"—Approximately 80 acres, located in township 5 north, range 18 west, section 16, S½SE¼, San Bernardino base and meridian.

(D) "Tract D"—Approximately 160 acres, located in township 5 north, range 18 west, section 21, NE¼, San Bernardino base and meridian.

(E) "Tract E"—Approximately 20 acres, located in township 5 north, range 18 west, section 15, N½SW¼SW¼, San Bernardino base and meridian.

(2) LANDS TO BE CONVEYED BY SECRETARY.—The National Forest System lands to be conveyed by the Secretary under this section consist of approximately 420 acres as follows:

(A) "Tract 1"—Approximately 80 acres, located in township 5 north, range 18 west, section 10, E½SW¼, San Bernardino base and meridian.

(B) "Tract 2"—Approximately 40 acres, located in township 5 north, range 18 west, section 15, NE¼NW¼, San Bernardino base and meridian.

(C) "Tract 3"—Approximately 40 acres, located in township 5 north, range 18 west, section 15, SW¼SE¼, San Bernardino base and meridian.

(D) "Tract 4"—Approximately 10 acres, located in township 5 north, range 18 west, sec-

tion 22, SW¼SW¼NE¼, San Bernardino base and meridian.

(E) "Tract 5"—Approximately 20 acres, located in township 5 north, range 18 west, section 22, W½NW¼SE¼, San Bernardino base and meridian.

(F) "Tract 6"—Approximately 40 acres, located in township 5 north, range 18 west, section 22, SW¼SE¼, San Bernardino base and meridian.

(G) "Tract 7"—Approximately 80 acres, located in township 5 north, range 18 west, section 22, E½SW¼, San Bernardino base and meridian.

(H) "Tract 8"—Approximately 20 acres, located in township 5 north, range 18 west, section 22, N½NW¼SW¼, San Bernardino base and meridian.

(I) "Tract 9"—Approximately 80 acres, located in township 5 north, range 18 west, section 27, W½NE¼, San Bernardino base and meridian.

(J) "Tract 10"—Approximately 10 acres, located in township 5 north, range 18 west, section 27, NE¼SW¼NW¼, San Bernardino base and meridian.

(3) CORRECTIONS TO LEGAL DESCRIPTIONS.—By mutual agreement, the Secretary and the District may adjust the legal descriptions contained in this subsection to correct errors or to make minor adjustments in the lands to be exchanged.

(c) PROCESSING OF LAND EXCHANGE.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall process the land exchange under this section in accordance with Forest Service land exchange regulations in subpart A of part 254 of title 36, Code of Federal Regulations.

(2) TITLE STANDARDS.—The Secretary shall require that title to the District lands acquired by the Secretary under this section is in conformity with the title standards of the Attorney General of the United States.

(d) EASEMENTS AND ACCESS.—

(1) RESERVATION.—In the conveyance of the National Forest System lands authorized by this section, the Secretary shall reserve easements for all roads and trails that the Secretary considers to be necessary or desirable to provide for administrative purposes and to ensure public access to National Forest System lands. In particular, the Secretary shall reserve perpetual unrestricted rights of pedestrian access to the Potholes trailhead of the Los Padres National Forest.

(2) ACCESSIBILITY.—In the case of the District lands acquired by the Secretary under this section, the Secretary shall provide reasonable access to privately owned inholdings consistent with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(3) CONSTRUCTION OF PARKING LOT.—As a condition on the receipt of National Forest System lands under this section, the District shall agree to construct a gravel parking area upon District lands for the Potholes trailhead of the Los Padres National Forest, subject to the following requirements:

(A) The District may reasonably regulate vehicular access to the trailhead in accordance with rules and regulations promulgated in accordance with applicable law.

(B) Foot traffic to the trailhead shall be perpetual and unrestricted.

(e) SPECIAL USE AUTHORIZATION AND EASEMENTS.—All special use authorizations and term easements issued by the Secretary with respect to the National Forest System lands described in subsection (b)(2) shall not be renewed or reauthorized after the date of enactment of this Act.

(f) WATER RIGHTS.—The land exchange authorized by this section does not include any water rights owned by the District or the United States.

(g) CASH EQUALIZATION.—

(1) LIMITS WAIVED.—The District or the Secretary, as appropriate, may equalize the values of the lands to be exchanged under this section by a cash payment without regard to any statutory limit on the amount of such a cash equalization payment.

(2) DISPOSITION AND USE OF FUNDS.—Any cash equalization payment received by the Secretary under this section shall be deposited into the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The payment shall be available to the Secretary for expenditure, without further appropriation, for the acquisition, construction, or improvement of administrative or recreational facilities for the Los Padres National Forest in Ventura County, Santa Barbara County, and San Luis Obispo County, California, or for the acquisition of land or interests in land in such counties.

(h) MANAGEMENT OF ACQUIRED LANDS.—The District lands acquired by the Secretary under this section shall be added to and administered as part of the Los Padres National Forest in accordance with the laws and regulations applicable to that national forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4917, which provides for an exchange of lands between the United States Water Conservation District of California and the U.S. Forest Service, was authored by the gentleman from California (Mr. GALLEGLY); and I yield such time as he may consume to him to explain this legislation.

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, I would like to again thank the gentleman from Utah (Mr. HANSEN), the full committee chairman, and the gentleman from Colorado (Mr. MCINNIS), the subcommittee chairman, for helping bring this bill to the floor today.

Mr. Speaker, H.R. 4917, the Los Padres National Forest Land Exchange Act, will facilitate a land exchange between the U.S. Forest Service and the United Water Conservation District, a local public agency.

Under this legislation, the U.S. Forest Service will convey 420 acres to United Water. Of that total, 290 acres are mud-flats surrounded by Lake Piru, 80 acres are campground, and 50 acres are primarily two separate sections of Blue Point Road. United Water will convey to the Forest Service 340 acres. The land is open space within the Los Padres National Forest previously leased for grazing.

Both the Forest Service and United Water benefit from the exchange. The Blue Point Campground, which has been closed by the Forest Service since 1995, will be opened on a limited basis by United Water. This will provide additional recreational opportunities for families and outdoor enthusiasts for

frequent trips to the forest. In addition, United Water has pledged to increase patrols around the campground's arroyo toad habitat, which the Forest Service admits does not have the resources necessary to adequately patrol and maintain.

In addition, United Water will own all of the land surrounding Lake Piru. This will allow the United Water district to better manage its operations with less bureaucracy. The Forest Service will gain ownership over the entire western part of the Lisk Ranch, which is within the boundaries of the Los Padres and open space.

The cost of this exchange would be minimal. Both United Water and the Forest Service have agreed to share the cost of the appraisals and land surveys to be done after enactment. I believe this exchange is a win/win for the public, the Los Padres National Forest, and the United Water Conservation District; and I urge the House to adopt this measure.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume. We on the minority side have no problems with the legislation and we support it.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4917.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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TONTO AND COCONINO NATIONAL FORESTS LAND EXCHANGE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4919) to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tonto and Coconino National Forests Land Exchange Act".

TITLE I—TONTO AND COCONINO NATIONAL FORESTS LAND EXCHANGE

SEC. 101. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Certain private lands adjacent to the Montezuma Castle National Monument in Yavapai County, Arizona, are desirable for Federal acquisition to protect important riparian values along Beaver Creek and the scenic backdrop for the National Monument.

(2) Certain other inholdings in the Coconino National Forest are desirable for

Federal acquisition to protect important public values near Double Cabin Park.

(3) Approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona, are currently occupied by 45 residential cabins under special use permits from the Secretary of Agriculture, and have been so occupied since the mid-1950s, rendering such lands of limited use and enjoyment potential for the general public. Such lands are, therefore, appropriate for transfer to the cabin owners in exchange for lands that will have higher public use values.

(4) In return for the privatization of such encumbered lands the Secretary of Agriculture has been offered approximately 495 acres of non-Federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona, in an area where the Secretary has completed previous land exchanges to consolidate public ownership of National Forest lands.

(5) The acquisition of the Q Ranch non-Federal lands by the Secretary will greatly increase National Forest management efficiency and promote public access, use, and enjoyment of the area and surrounding National Forest System lands.

(b) PURPOSE.—The purpose of this title is to authorize, direct, facilitate, and expedite the consummation of the land exchanges set forth herein in accordance with the terms and conditions of this title.

SEC. 102. DEFINITIONS.

As used in this title:

(1) DPSHA.—The term "DPSHA" means the Diamond Point Summer Homes Association, a nonprofit corporation in the State of Arizona.

(2) FEDERAL LAND.—The term "Federal land" means land to be conveyed into non-Federal ownership under this title.

(3) FLPMA.—The term "FLPMA" means the Federal Land Policy Management Act of 1976.

(4) MCJV.—The term "MCJV" means the Montezuma Castle Land Exchange Joint Venture Partnership, an Arizona Partnership.

(5) NON-FEDERAL LAND.—The term "non-Federal land" means land to be conveyed to the Secretary of Agriculture under this title.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

SEC. 103. MONTEZUMA CASTLE LAND EXCHANGE.

(a) LAND EXCHANGE.—Upon receipt of a binding offer from MCJV to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to MCJV all right, title, and interest of the United States in and to the Federal land described in subsection (c).

(b) NON-FEDERAL.—The land described in this subsection is the following:

(1) The approximately 157 acres of land adjacent to the Montezuma Castle National Monument, as generally depicted on the map entitled "Montezuma Castle Contiguous Lands", dated May 2002.

(2) Certain private land within the Coconino National Forest, Arizona, comprising approximately 108 acres, as generally depicted on the map entitled "Double Cabin Park Lands", dated September 2002.

(c) FEDERAL LAND.—The Federal land described in this subsection is the approximately 222 acres in the Tonto National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9, 10, 11, 16, 17, and Tract 40 in section 32, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona.

(d) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a

qualified appraiser mutually agreed to by the Secretary and MCJV and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of the FLPMA (43 U.S.C. 1716(d)). If the values are not equal, the Secretary shall delete Federal lots from the conveyance to MCJV in the following order and priority, as necessary, until the values of Federal and non-Federal land are within the 25 percent cash equalization limit of 206(b) of FLPMA:

- (1) Lot 3.
- (2) Lot 4.
- (3) Lot 9.
- (4) Lot 10.
- (5) Lot 11.
- (6) Lot 8.

(e) CASH EQUALIZATION.—Any difference in value remaining after compliance with subsection (d) shall be equalized by the payment of cash to the Secretary or MCJV, as the circumstances dictate, in accordance with section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the "Sisk Act") shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

SEC. 104. DIAMOND POINT—Q RANCH LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of a binding offer from DPSHA to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to DPSHA all right, title, and interest of the United States in and to the land described in subsection (c).

(b) NON-FEDERAL LAND.—The land described in this subsection is the approximately 495 acres of non-Federal land generally depicted on the map entitled "Diamond Point Exchange—Q Ranch Non-Federal Lands", dated May 2002.

(c) FEDERAL LAND.—The Federal land described in this subsection is the approximately 108 acres northeast of Payson, Arizona, as generally depicted on a map entitled "Diamond Point Exchange—Federal Land", dated May 2002.

(d) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and DPSHA and in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the "Sisk Act") shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

(e) SPECIAL USE PERMIT TERMINATION.—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

SEC. 105. MISCELLANEOUS PROVISIONS.

(a) EXCHANGE TIMETABLE.—Not later than 6 months after the Secretary receives an offer under section 103 or 104, the Secretary shall execute the exchange under section 103 or 104, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

(b) EXCHANGE PROCESSING.—Prior to executing the land exchanges authorized by this title, the Secretary shall perform any necessary land surveys and required